

REMARKS

Claims 3-5, 9-12, 34, 39, 40, and 62 are pending in the application. Claims 6-8, 13-33, 35-38, 41-61, and 63-84 are cancelled. No new matter has been added.

Objections to the Claims

The objection to claim 3 is correct as written. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 3-5, 9-12, 34, 39, and 62 are rejected as lacking an adequate written description. In support of the rejection, the Examiner alleges that Example 1 fails to indicate the particular type of cancer analyzed, and thus fails to support Applicants' claims. This is incorrect. As detailed below, Applicants' specification plainly describes the analysis of ovarian cancer in patient samples, both in Example 1 (page 47) and in a description of the patient samples analyzed in Example 1 (page 42, line 21, to page 43, line 14). Applicants request that the rejection be withdrawn.

At page 42, line 20, to page 47, line 14, Applicants provide a description of the methods and materials used to obtain the results described in Example 1. This section includes a description of the samples used in the mass spectral analysis provided in Example 1. In particular, at page 42, line 20, Applicants state, "In the Example below, the following Materials and Methods were employed." Applicant's specification includes a single Example—Example 1. Thus, the samples described in this section can only refer to the samples analysed in Example 1. No other reasonable interpretation for this statement exists.

At page 42, line 21, to page 43, line 14, under the heading "Samples," Applicant's provide a description of the samples used in the analysis provided at Example 1. More specifically, Applicants state:

Among the total plasma samples (n=80), a group of 67 patients (29 ovarian cancer and 38 non-cancer cases) were initially analyzed for biomarker selection and identification. We then repeated the analysis on the entire collection of 80 specimens to include more early stage patients. Statistical analysis of biomarker performance was done based on the entire 80 patients. (page 42, line 21, to page 43, line 14)

In view of this disclosure, it is completely clear and entirely unambiguous that the samples analysed in the Example 1 were ovarian cancer samples. Moreover, the number of samples described here corresponds to those described in Example 1 (page 42, line 21, to page 43, line 14).

In Example 1, Applicants state that mass spectra results were obtained from “the initial group of 67 patients (cancer n=29, non-cancer n=38)” (emphasis added, page 47, line 15). This statement clearly refers to the samples delineated under the header “Samples,” which include “a group of 67 patients (29 ovarian cancer and 38 non-cancer cases) were initially analyzed (page 42, line 21).”

In sum, Example 1 clearly refers to results obtained in an analysis of ovarian cancer samples. The results described in Example 1 showing that Markers 9.2kD (Marker II), 19.8kD (Marker III) had increased expression, while the remaining markers had reduced expression (page 47, lines 26-29) can only refer to an analysis of ovarian cancer samples. Accordingly, the written description rejection should be withdrawn.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance. As noted above, if the Examiner intends to maintain the present rejection, the Examiner is respectfully urged to call the undersigned agent at (617) 517-5580 to schedule an interview prior to the mailing of any action on the merits.

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Respectfully submitted,
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